

MOTOR VEHICLE ACCIDENT COST RECOVERY

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Johnny Anderson

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill modifies provisions related to the recovery of costs for repairs of damages caused by motor vehicle accidents.

Highlighted Provisions:

This bill:

- ▶ provides for government entities and certain contractors to contract with third parties to recover costs for repairs of damages caused by motor vehicle accidents;
- ▶ clarifies the fees that a third party may charge for services to recover costs for repairs of damages caused by motor vehicle accidents; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

41-6a-409, as enacted by Laws of Utah 2012, Chapter 364

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-6a-409** is amended to read:



41-6a-409. Prohibition of flat response fee for motor vehicle accident.

(1) As used in this section, "contractor" means a person who contracts with the Department of Transportation, the Utah Highway Patrol Division, or a local government entity.

~~[(1)]~~ (2) The Department of Transportation ~~[or]~~, the Utah Highway Patrol Division, a local government entity, or a ~~[person who contracts with the Department of Transportation or the Utah Highway Patrol Division to provide emergency services]~~ contractor:

(a) may not impose a flat fee, or collect a flat fee, from an individual involved in a motor vehicle accident; and

(b) may only charge the individual for the actual cost of services provided in responding to the motor vehicle accident, limited to:

(i) medical costs for ~~[(A)]~~ transporting an individual from the scene of a motor vehicle accident ~~[(B)]~~ treatment of or treating a person injured in a motor vehicle accident;

(ii) repair to damaged public property, if the individual is legally liable for the damage;

(iii) the cost of materials used in cleaning up the motor vehicle accident, if the individual is legally liable for the motor vehicle accident; and

(iv) towing costs.

~~[(2)]~~ (3) If the Department of Transportation ~~[or]~~, the Utah Highway Patrol Division, a local government entity, or a ~~[person who contracts with the Department of Transportation or the Utah Highway Patrol Division to provide emergency services;]~~ contractor imposes a charge on more than one individual for the actual cost of responding to a motor vehicle accident, the Department of Transportation ~~[or]~~, the Utah Highway Patrol Division, the local government entity, or the ~~[person contracting with the Department of Transportation or the Utah Highway Patrol Division]~~ contractor shall apportion the charges so that it does not receive more for responding to the motor vehicle accident than the actual response cost.

(4) Nothing in this section prohibits the Department of Transportation, the Utah Highway Patrol Division, a local government entity, or a contractor from contracting with a third party to recover costs related to damage to public property.

(5) A third party that contracts with the Department of Transportation, the Utah Highway Patrol Division, a local government entity, or a contractor to recover costs related to damage to public property may not charge a fee that exceeds the costs for which the person who caused the damage is liable.

59 (6) (a) A third party that contracts with the Department of Transportation, the Utah
60 Highway Patrol Division, a local government entity, or a contractor to recover costs related to
61 damage to public property or to make the necessary repairs to public property may provide
62 estimates for the costs of repair or services.
63 (b) The estimates provided by the third party may not exceed the actual costs of the
64 repair.

Legislative Review Note
Office of Legislative Research and General Counsel